



Agenda Date: 2/17/21
Agenda Item: 3A

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

OFFICE OF CABLE TELEVISION
AND TELECOMMUNICATIONS

IN THE MATTER OF REQUESTS FOR AN) ORDER
INVESTIGATION INTO THE OPERATIONS OF)
ALTICE USA IN NEW JERSEY) DOCKET NO. CX21020139

Parties of Record:

Paul Jamieson, Esq., Altice USA, Inc.
Stephanie A. Brand, Director, New Jersey Division of Rate Counsel

BY THE BOARD:

Altice USA, Inc. ("Altice"), a franchised cable television system operator with its principal office located at One Court Square, Long Island City, New York, provides cable television services to approximately 800,000 New Jersey subscribers in one hundred and ninety-nine (199) municipalities throughout thirteen counties.¹

The Board and the Office of Cable Television and Telecommunications (OCTV&T) have received complaints and resolutions from at least ten (10) municipalities² and several state legislators concerning various issues their residents and constituents cited alleging inadequacy and lack of service provided by Altice. In the complaints, the municipal and legislative officials have requested that the Board initiate an investigation into the adequacy of service provided by Altice and seek a determination whether the company has complied with its obligations under applicable Federal and State laws, rules and regulations which set forth technical and customer service standards established for cable television providers. Citing issues raised by their respective residents concerning frequent and lengthy service disruptions (across all services), inconsistent connections and fluctuating Internet speeds, long telephone wait times, poor customer service, and an inability to get a satisfactory response to these issues from the company both before and after the COVID-19 pandemic, the municipalities collectively maintain that Altice has failed in its duty to provide safe,

¹ Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren.

² Boroughs of Dunellen and Sayreville, and the Townships of Green Brook, Hamilton, Howell, Jackson, Montville, North Brunswick, Piscataway, and Robbinsville.

adequate and proper service to their residents. The Board and the OCTV&T have also received complaints directly from Altice customers concerning the same grievances presented by the municipalities.

DISCUSSION

The Board, in granting authority to operate in New Jersey to a prospective cable television system operator requires the company to demonstrate, among other things, that it has the financial and technical capacity and the legal, character and other qualifications to construct, maintain and operate the necessary installations, lines and equipment and to provide the service proposed in a safe, adequate and proper manner. As provided under N.J.S.A. 48:5A-36, it is the duty of all cable television companies to provide safe, adequate and proper service, equipment and facilities for the operation of its cable television system.

In the exercise of its authority, the Board, and the Director of the OCTV&T, pursuant to N.J.S.A. 48:5A-9, have the full right, power, authority and jurisdiction to:

- a. Receive or initiate complaints of the alleged violation of any of the provisions of the Cable Television Act ("Act") N.J.S.A. 48:5A-1 et seq., or any of the rules and regulations made pursuant to the Act or of the terms and conditions of any municipal consent granted pursuant to the Act; and for this purpose and all other purposes necessary to enable the Director to administer the duties of the office as prescribed by law may hold hearings and shall have power to subpoena witnesses and compel their attendance, administer oaths and require the production for examination of any books or papers relating to any matter under investigation at any such hearing;
- b. Supervise and regulate every cable television company operating within this State and its property, property rights, equipment, facilities, contracts, certificates and franchises so far as may be necessary to carry out the purposes of the Act, and to do things, whether herein specifically designated or in addition thereto, which are necessary or convenient in the exercise of such power and jurisdiction;
- c. Institute all proceedings and investigations, hear all complaints, issue all process and orders, and render all decisions necessary to enforce the provisions of the Act; of the rules and regulations adopted thereunder, or of any municipal consents issued pursuant to the Act;
- d. Institute, or intervene as a party in, any action in any court of competent jurisdiction seeking mandamus, injunctive or other relief to compel compliance with any provision of the Act, of any rule, regulation or order adopted thereunder or of any municipal consent issued thereunder, or to restrain or otherwise prevent or prohibit any illegal or unauthorized conduct in connection therewith.

Furthermore, as provided in N.J.A.C 14:18-3.3 each cable television company shall, upon request, furnish its customers with such information as is reasonable, in order that the customers may obtain safe, adequate, efficient and economical service.

Pursuant to rules promulgated by the Federal Communications Commission (“FCC”) regarding customer service obligations, as outlined in 47 C.F.R. § 76.309, cable operators are required to:

1. Maintain a local, toll free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days a week, with trained company representatives available to respond to customer telephone inquiries during normal business hours.
2. No less than ninety (90) percent of the time, under normal operating conditions, measured on a quarterly basis, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds.
3. Under normal operating conditions, the customer will receive a busy signal less than three (3) percent of the time.³

The Board and the OCTV&T, as the duly recognized franchising authority by the FCC, is permitted to enforce these federal customer service standards, as well as enforce any customer service standards that exceed or fall outside of the federal standards.

FINDINGS

The Board has reviewed the various complaints, municipal government official resolutions and requests for Board investigation and intervention in this matter, and **HEREBY FINDS** that there is sufficient cause to convene a proceeding to afford the municipal officials and Altice customers the opportunity to voice their concerns about the services received from Altice; as well as afford the company the opportunity to respond to these concerns before determining what corrective action may be warranted and should be taken in this matter.

The Board **HEREBY DESIGNATES** Commissioner Mary-Anna Holden as the Presiding Officer over this matter who is authorized to rule on all motions that arise during the proceedings and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.

A public hearing will be held in this matter on March 16, 2021 to provide all interested parties an opportunity to be heard. In the interest of public health and safety, the public hearing will be conducted virtually. Information concerning participation in the public hearing will be posted on the Board’s website.

Furthermore, the Board **HEREBY DIRECTS** that all entities seeking to intervene or participate in this matter file the appropriate application with the Board by February 26, 2021. Commissioner Holden will render a decision on the motions to intervene and participate or any other motions

³ These requirements do not apply during operating conditions that are beyond the control of the cable operator. The FCC defines such conditions to include, but not be limited to, natural disasters, civil disturbances, power outages, telephone network outages and severe or unusual weather conditions.

filed after the issuance of this Order. Any party wishing to file a motion for admission pro hac vice, should do so concurrently with any motion to intervene or participate.

All filings in this matter must be submitted to the Board Secretary Aida Camacho-Welch, at board.secretary@bpu.nj.gov in PDF or Word format and must contain in the subject the caption "Docket No. CX21020139 - In the Matter of the Requests for an Investigation into the Operations of Altice USA in New Jersey". Comments or filings may also be submitted through the Board's External Access Portal. Directions for e-filing can be found on the Board's website at <https://www.nj.gov/bpu/agenda/efiling>.

In addition, in the interest of economy, all parties are **HEREBY DIRECTED** to serve all documents electronically, while still providing hard copies to parties specifically requesting the same.

The Order is effective on February 25, 2021.

DATED: February 17, 2021

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH
SECRETARY

**IN THE MATTER OF REQUESTS FOR AN INVESTIGATION INTO THE OPERATIONS OF
ALTICE USA IN NEW JERSEY**

DOCKET NO. CX21020139

SERVICE LIST

<p>Jessica Morales Municipal Clerk Borough of Sayreville 167 Main Street Sayreville, NJ 08872 jessica@sayreville.com</p> <p>Honorable Ronald S. Dancer Assemblyman – 12th District 405 Route 539 Cream Ridge, NJ 08514 asmdancer@njleg.org</p> <p>Allison Ciranni Township Clerk Township of Howell 4567 Route 9 North P.O. Box 580 Howell, NJ 07731-0580 aciranni@twp.howell.nj.us</p> <p>Gregory McGuckin, Esq. Dasti, Murphy, McGuckin, Ulaky, Koutsouris and Connors 620 West Lacey Road Forked River, NJ 08731 gmcguckin@dmmlawfirm.com</p> <p>Janice Kisty Township Clerk Township of Jackson 95 W. Veterans Highway Jackson, NJ 08527 jkisty@jacksontwpnj.net</p> <p>Honorable Brian C. Wahler Mayor Township of Piscataway Municipal Complex 455 Hoes Lane Piscataway, NJ 08854 bwahler@piscatawaynj.org</p>	<p>Altice USA Marilyn D. Davis Area Director, Government Affairs Altice USA 494 Broad Street, 9th Floor Newark, New Jersey 07102 Marilyn.Davis16@AlticeUSA.com</p> <p>Paul Jamieson, Vice President, Government Affairs and Policy Altice USA 1 Court Square West, 49th Fl Long Island City, NY 11101 paul.jamieson@AlticeUSA.com</p> <p>Division of Rate Counsel 140 East Front Street, 4th Floor Post Office Box 350 Trenton, NJ 08625-0003</p> <p>Stefanie A. Brand, Esq., Director sbrand@rpa.nj.gov</p> <p>Maria Novas-Ruiz, Esq. mnovas-ruiz@rpa.nj.gov</p> <p>Board of Public Utilities 44 South Clinton Avenue, 9th Floor Post Office Box 350 Trenton, NJ 08625-0350</p> <p>Office of Cable Television and Telecommunications</p> <p>Lawanda R. Gilbert, Director lawanda.gilbert@bpu.nj.gov</p> <p>William H. Furlong, Bureau Chief william.furlong@bpu.nj.gov</p> <p>Amy Drummond, Admin. Analyst 4 amy.drummond@bpu.nj.gov</p>
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<p>Elissa Grodd Schragger, Esq. Director Hamilton Township Department of Law 2090 Greenwood Avenue Post Office Box 00150 Hamilton, NJ 08650-0150 eschragger@hamiltonnj.com</p> <p>Ronald H. Gordon, Esq. Rainone Coughlin Minchello 555 U.S. Highway One South, Suite 440 Iselin, NJ 08830 RGordon@NJRCMLaw.com</p> <p>Honorable Patrick N. Bocchio Mayor Township of Green Brook 111 Greenbrook Road Green Brook, NJ 08812-2501 pboccio@greenbrooktp.org</p> <p>Honorable Jason F. Cilento Mayor, Borough of Dunellen 355 North Avenue Dunellen, NJ 08812 jcilento@dunellen-nj.gov</p> <p>Anthony R. Francioso, Esq. Fornaro Francioso LLC 1540 Kuser Rd, A1 Hamilton, NJ 08619 afrancioso@fornarofrancioso.com</p> <p>Fred Semrau, Esq. Dorsey and Semrau 714 Main Street Post Office Box 228 Boonton, New Jersey 07005 fsemrau@dorseysemrau.com</p>	<p>Office of the Chief Counsel</p> <p>Carol Artale, Esq. Deputy General Counsel carol.artale@bpu.nj.gov</p> <p>Division of Law Department of Law and Public Safety Richard J. Hughes Justice Complex 25 Market Street, P.O. Box 112 Trenton, NJ 08625</p> <p>Pamela Owen, Esq. ASC, DAG pamela.owen@law.njoag.gov</p> <p>Meliha Arnautovic, Esq. DAG Meliha.Arnautovic@law.njoag.gov</p>
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